

# I.A. MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary  
May 7, 2009

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A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, May 7, 2009 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Barry Flachsbart** (Ward I); **Councilmember Lee Erickson** (Ward II); and **Councilmember Mike Casey** (Ward III).

Also in attendance were: David Banks, Planning Commission Liaison; City Attorney Rob Heggie; Brian McGownd, Public Works Director/City Engineer; Justin Wyse, Project Planner; and Kristine Kelley, Administrative Assistant.

The meeting was called to order at **7:04 PM.**

## I. APPROVAL OF MEETING SUMMARY

A. Approval of the April 23, 2009 Committee Meeting Summary.

**Councilmember Erickson** made a motion to approve the Meeting Summary of **April 23, 2009.** The motion was seconded by **Councilmember Casey** and **passed** by a **voice vote of 3 to 0.** Councilmember Flachsbart was unavailable for vote.

## II. OLD BUSINESS - None

## III. NEW BUSINESS

A. **Stoneridge Office Building:** An Amended Site Development Plan and Amended Landscape Plan for a 9.3 acre parcel of land zoned "PC" Planned Commercial District located on the south side of South Outer 40 Road, northeast of Yarmouth Point Drive and Candish Lane.

## **STAFF REPORT**

**Justin Wyse, Project Planner**, stated that a recommendation for approval of the above referenced matter was approved by a vote of 6 – 0. This project has Automatic Power of Review.

- The request is for an amendment to add an additional 22 parking spaces to the existing parking lot. The development is currently zoned “PC” Planned Commercial District.

## **PLANNING COMMISSION REPORT**

**Commissioner Banks** stated that the additional 22 spaces fill an area that was once a retaining wall.

## **DISCUSSION**

**Councilmember Casey** stated that this was not previously approved because of some unattended issues which included;

- Screening of the “oxygen tank” or as it was known “the rocket ship”.
- Proposed Monument Sign which has been addressed by Staff.
- Storm water detention basin.

## **Overhead Power Lines**

The majority of the power lines are buried that run along Highway 40.

**Councilmember Casey** made a motion to forward **Stoneridge Office Building to City Council with a recommendation to approve.** The motion was seconded by **Councilmember Flachsbart** and **passed** by a voice vote of **3 to 0** with **1 abstention** by Chair Fults.

**Note:** This is an Amended Site Development Section Plan and an Amended Landscape Plan which requires approval by City Council. A voice vote will be needed at the **May 18, 2009** City Council Meeting.

**[Please see the attached report prepared by Aimee Nassif, Planning & Development Services Director, for additional information on Stoneridge Office Building].**

- B. P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Ctr):** A request for a change of zoning from “C-8” Planned Commercial District to “PC” Planned Commercial District for a 5.45 acre tract of land located south of Wilson Avenue and east of Clarkson Road (20T240171). The request includes changes to the hours of operation as well as the sign requirements for Clarkson Wilson Centre.

## **STAFF REPORT**

**Justin Wyse, Project Planner**, stated that earlier this afternoon Staff received a request from Hutkin Development to hold the above listed project until the May 21, 2009 Planning & Public Works Committee Meeting, so that Hutkin Development can try to resolve the issues from the residents of Clarkson Woods subdivision.

Mr. Wyse gave background information of the existing site. The request included updating the permitted uses for the district, as well as changes in the restrictions on the permitted uses, sign requirements, and hours of operation. The request for a change in the hours of operation was to allow for two existing businesses to continue their current hours of operation which was in violation of the current ordinance – Kennelwood and Pizza Hut.

The Petitioner submitted an application to the Department for a new restaurant. During review, it was determined that no additional restaurants are allowed in the Centre so the Petitioner is requesting a change to the ordinance to allow more food establishments.

The original ordinance was approved through St. Louis County. The change of zoning from “C-8” Planned Commercial District to “PC” Planned Commercial District will bring the site up to current standards.

The Planning Commission voted unanimously to approve Attachment A by a vote of 7 – 0 with the following amendments:

Section I; Specific Criteria A. Permitted Uses on Page 2 was amended to read:

3. Hours of Operation.
  - a. The permitted uses listed above are subject to operation from 7:00 AM to 11:00 PM.
  - ~~b. The existing restaurant located at 42 Clarkson Wilson Centre will be permitted to provide delivery service between the hours of 11:00 P.M. and 1:00 A.M. on weekends only. This exception to the above-referenced hours of operation is specific to the current tenant at the approval of this ordinance and is not transferable to future tenants.~~
  - ~~c. The existing veterinary hospital/clinic/kennel located at 4 Clarkson Wilson Centre will be permitted to commence operation of business at 6:15 one day each week. This exception to the above-referenced hours of operation is specific to the current tenant at the approval of this ordinance and is not transferable to future tenants.~~

## **PLANNING COMMISSION REPORT**

**Commissioner Banks** stated that there is a special responsibility for neighborhood retail. However, hours of operation and drive-thru facilities (which are not part of this request) continue to be an issue and if this would be submitted today, the request would be denied.

### **Access**

There is only one access to the development from Clarkson Road and an access which has an easement over the vacant parcel which shares the same entrance as the Clarkson Woods subdivision.

## **DISCUSSION**

**Chair Fults** thanked all the parties involved for all the hard work they put into resolving this problem. The hours of operation and an ordinance violation continue to be an issue, but the Planning Commission struggles whether to “grandfather” in an ordinance violation.

It was noted that not all the trustees and residents agreed to allow the extended hours of operation, but Hutkin Development stated in a letter that there were no complaints of the site. However, the residents were uncertain at the time who they should contact regarding code violations.

There was considerable discussion on how the additional restaurants came into fruition, and the extended hours of operation. But the question remains as to how this regulation will be enforced since it was not enforced in the past. Since the original request, City Attorney Heggie stated that letters were sent to the businesses indicating that they are in violation of the current ordinance. There is now adequate Staff and police to enforce the restrictions.

### **Parking Requirements**

As tenants change, Staff reviews all new use applications for adequate parking.

### **Petitioner:**

1. Mr. Gene Holtzman, Hutkin Development Company – managing agent for the Clarkson Wilson Centre stated the following:
  - When new ownership purchased the property, Kennelwood and Pizza Hut as well as four restaurants, were existing tenants. It is being proposed that the hours of operation for the entire Centre be from 7:00 AM to 11:00 PM, with the exception that the existing Pizza Hut restaurant and the existing veterinary hospital be allowed to deviate from these hours.
  - They had no knowledge of after hour deliveries and early morning drop off at the veterinary hospital.
  - They are requesting Pizza Hut deliveries until midnight and Kennelwood be allowed to operate business at 6:15 AM one day a week. Once the businesses leave, this exception would not be transferable to future tenants.
2. Ms. Sarah Mansholt, Hutkin Development Company – Property Manager for Clarkson Wilson Centre would gladly answer any questions or follow-up on any items of concern.

The trustees, representing the residents, stated they are not in agreement with the request of midnight pizza deliveries.

**Resident Comments:**

1. Mr. Stewart Linley, a long time resident and former Committee member of Chesterfield, gave further background information and stated that the site was originally developed by Capitol Land Company and as far as he knew, the site was never in compliance with the ordinance which did not allow for any restaurants or veterinary businesses.
2. Ms. Nancy Minster, 16080 Clarkson Woods Drive, Chesterfield, MO stated the following concerns:
  - Her property is adjacent to Clarkson Wilson Centre.
  - She has issued complaints with the Police Department.
  - She is opposed to the proposed hours of operation since most traffic drives through the subdivision to gain access to the Centre.
  - They have a lot of issues with noise from the delivery vehicles and cars driving too fast through the area.
  - She is opposed to increasing the number of allowed restaurants in the Centre.
  - Noise due to the outside dining of the existing Subway and the Mexican restaurant which allows bands to play during special events.
  - She has concern that there is no mechanism in place for enforcing what is already in violation.
  - She was under the impression that Hutkin Development was to place “no parking” signs along the road and fire lane, but there continues to be cars parked along those areas. She stated she does not agree to the extended hours of operation.

**City Attorney Heggie** confirmed that amplified or live music can and will be regulated.

**Councilmember Flachsbart made a motion to place P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Centre) on hold until the **May 21, 2009 Planning & Public Works Committee meeting** and requests that **Staff include in the Attachment A, a ban of amplified speaker systems and live music.** The motion was seconded by Councilmember Casey and **passed by a voice vote of 4 to 0.****

- C. **Chesterfield Valley Stormwater Trust Fund** – Memorandum of agreement with St. Louis County providing for reimbursement of \$519,000 for TIF costs associated with the relocation of the Enbridge Petroleum Pipeline. Reimbursements are deposited in the reserved revenue account for additional valley infrastructure projects.

## **STAFF REPORT**

**Brian McGownd, Public Works Director/City Engineer,** stated that City Council previously approved, and Staff subsequently contracted the relocation of the existing petroleum pipeline which crosses the thirty acre stormwater reservoir at the west end of Chesterfield Valley. This authorization was in excess of \$1 million and was funded by TIF proceeds.

St. Louis County has agreed to reimburse the City the full current balance of the Stormwater Trust fund in the amount of \$519,000, which will be placed in the Designate for TIF Deferred Revenue Projects Account No. 001-071-5493

**Councilmember Casey** made a motion directing Staff to execute **Chesterfield Valley Storm water Trust Fund memorandum of agreement, facilitating receipt of the reimbursement funds.** The motion was seconded by **Councilmember Flachsbart** and **passed** by a voice vote of **4 to 0.**

### **D. Post Road**

**Brian McGownd, Public Works Director/City Engineer,** explained to the Committee that Post Road was a small residential public street that serves the Woodsmill Park Apartments. He said that the relocation of Hwy 141 will run adjacent to this development and will clip the cul-de-sac and will have to be relocated. He said Staff met with Wolff Properties, owner of the apartment complex, and they stated that the relocation of the cul-de-sac will impact their property. He said that after some discussion, the concept of vacating the road was discussed. He said Post Road only served the apartment complex, and that Staff would be in favor of vacating the road.

The road would then become a private road, which would be maintained and controlled by the apartment complex. Staff requested the Committee's concurrence to pursue this concept, and that the final decision on this matter would be brought to City Council for their consideration.

**It was agreed upon by the Committee to allow Staff to negotiate transfer of Post Road from a public street to a private street and bring the proposal directly to City Council.**

### **E. Appointment of Liaisons**

The following Committee Assignments were agreed upon:

- Board of Adjustment – Barry Flachsbart
- Historical Commission – Lee Erickson

## **IV. ADJOURNMENT**

The meeting adjourned at **8:14** p.m.